These suggestions are not to be taken as a plea for text books which do not cite authorities. It is obvious that they should always contain accurate and exhaustive citations to the propositions advanced. But it may seriously be questioned whether every new text-book and every new edition of a text-book ought not to mark some distinct advance in the theory of the law. Tested by these requirements, the new edition of Ewell on Fixtures does not justify the arduous labor which the preparation of it has required.

HUGHES ON PROCEDURE—THEORY AND PRACTICE. By William T. Hughes. Two Vols. Chicago: Callaghan and Company. 1905. pp. vi, 1289.

The work comprises an introductory chapter of about fifty pages, stating what the author conceives to be the "conserving fundamental policies" of procedure; Part I, treating of "The Unity and Philosophy of Procedure;" Part II, a consideration—supposed to be of the law of procedure—by reference to forty selected legal maxims; and Part III, denominated a "text-index," consisting of maxims and of leading cases which are, or are assumed to be, explications of the maxims.

The prospectus having announced that this work was the "result of thirty years' labor, study and experiment," there was reason to expect that it would be a contribution of real value on the subject; but the expectation is not realized.

Stated broadly, it seems to be the production of a man with a pet theory which he has pushed to extremes.

We may all agree that there is an intimate, even a vital relation between the rules of law that define rights, and the rules of law by which they are enforced; but that does not lead us to the author's conclusion that "Almost every principle of law must be stated in terms of procedure." We may also believe that the essentials of a valid judgment in communities deriving their law from England are substantially the same whether that judgment is at common law, a decree in equity, or a judgment under the codes, and we may even concede that some judges, under the codes as well as under the preceding systems, have not clearly apprehended what those essentials are, but this concession does not make necessary the conclusion that the stability of our whole system of government is threatened by the decisions of these judges.

The foundation upon which Mr. Hughes builds his superstructure is the sacredness and conclusiveness of the record upon which the judgment of the court of first instance is based, which he terms "the mandatory record," as distinguished from the record on appeal which he designates as the "statutory record."

The general rule that this mandatory record is conclusive is, of course, universally recognized; but the extreme deductions which the author makes from this one rule of law can only be arrived at by ignoring other rules equally well settled, and equally founded on principles of justice. For example, he chooses as his first leading case, *Windsor* v. *McVeigh*, 93 U. S. 274, and in his text is constantly commending the decision, which has been often criticised, and from which three of the justices dissented; but condemns un-

sparingly and repeatedly the decision in *Cooper* v. *Reynolds*, 77 U. S. 308, a case in which only a single justice dissented and which it is believed is generally recognized as sound in principle even by those who would find no fault with *Windsor* v. *McVeigh* and who do not consider the cases as conflicting; and it would be easy to cite numerous other instances of the same prejudiced and misleading interpretation of cases, and of the author's failure to note the differences in facts in the different cases, and the manner in which the question decided by the court arose.

His plan of demonstrating the truth of his theory by the use of forty legal maxims, and four hundred and sixteen leading cases in support of those maxims needs only to be stated to be condemned. In the present state of our law and its administration, the effort to thus show what the law is in any important division thereof—or even what it ought to be—must be futile.

Nor can the manner of execution be commended.

The work lacks consecutiveness, and it does not present a logical exposition of the subject. The text is marred by constant repetitions, the style is often confused, and it is something of a shock to be suddenly confronted with a paragraph like the following:

"The bulwarks of all rights and liberties are built from blocks of the high policies of protection, all of which nestle around and upon moral laws and respect therefor. They point the way to resist fraud, crime and usurpation. They underlie every shred, the entire fabric of right, duty and obligation."

And, aside from any question as to the pertinence of the statement in a work on American procedure, the reader is astonished when told that "no grander and more impressive judicial character can be found in all the annals of history" than Festus.

That the author has expended an immense amount of time and thought and labor on the work is manifest, and it is greatly to be regretted that they should have resulted in a production which is likely to be of such small value to the profession.

REVIEWS TO FOLLOW:

STUDIES IN THE CIVIL LAW. By W. W. Howe. Second Edition. Boston: Little, Brown & Co. 1905. pp. xiii, 391.

THE LAW OF DOMESTIC RELATIONS. By James Schouler. Boston: Little, Brown & Co. 1905. pp. xxxix, 421.

A TREATISE ON EQUITY JURISDICTION. By J. N. Pomeroy. Third Edition by J. N. Pomeroy, Jr. Four Vols. San Francisco: Bancroft-Whitney Co. 1905. pp. lviii, 3525.

A MANUAL RELATING TO SPECIAL VERDICTS AND SPECIAL FINDINGS BY JURIES. By G. B. Clemenson. St. Paul: West Pub. Co. 1905. pp. lxi, 350.

THE PRINCIPLES OF THE LAW OF CONTRACTS. By J. D. Lawson. Second Edition. St. Louis: The F. H. Thomas Law Book Co. 1905. pp. xxvi, 688.

JURISPRUDENCE LAW AND ETHICS. By E. B. Kinkead. New York: The Banks Law Pub. Co. 1905. pp. vii, 381.